

21.01.2021

Item no.09

Court No.28

Avijit Mitra

C.R.M.20 4 of 2021 (via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Shibpur Police Station Case No.176 of 2013 dated 22.02.2013 under Sections 448/341/387/307/506/34 of the Indian Penal Code read with Sections 25/27/35 of the Arms Act;

And

In Re : Prasanta Maity @ Sintu Maity

.... petitioner

Mr. Kunal Ganguly

....for the petitioner

Mr. Binay Panda,

Ms. Puspita Saha

..... for the State

The learned advocate appearing for the petitioner submits that the petitioner is in custody for about 4 years 5 months and the investigating officer of the case is not appearing before the learned Trial Court for deposition. It is further submission of the learned advocate that although examination of rest of the witnesses have been complete on or about June, 2019 but because of the evidence of the investigating officer ,the rest of the trial has been stalled.

Mr. Panda, learned advocate appearing for the State submits that the next date is fixed on 6th April, 2021 for the evidence of the investigating officer, who is the sole witness left to be examined by the learned Trial Court. He undertakes that all steps would be taken so that the evidence is completed within the reasonable time on and from 6th April, 2021.

Having heard the learned advocates for the parties and taking into account the stage of the case, we are not inclined to release the petitioner on bail. However, the investigating officer of the case must be present on 6th April, 2021 for cooperating and taking steps for concluding prosecution evidence within a reasonable time from 6th April, 2021.

With the aforesaid observation, the application for bail being C.R.M. No.204 of 2021 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)